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| Bill no.: | H.R. 2567 |
| Amendment no.: | 2 |
| Date offered: | 7/12/06 |
| Disposition: | Not Agreed to by 17 years and 27 days |

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2567**

OFFERED BY MS. SOLIS OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Antifreeze Bittering
3 Act of 2006".

**4 SEC. 2. DENATONIUM BENZOATE EVALUATION, REPORT,
5 AND FINDING.**

6 (a) EVALUATION.—The Administrator of the Envi-
7 ronmental Protection Agency shall conduct a comprehen-
8 sive toxicological, exposure, and risk evaluation of the
9 bitterant denatonium benzoate, including whether it bio-
10 degrades and whether it is removed during the processes
11 used to treat waste water at publicly owned treatment fa-
12 cilities. In conducting such evaluation, the Administrator
13 shall use all available authorities to obtain the necessary
14 information on environmental fate, environmental tox-
15 icology, and mammalian toxicology from the manufacturers
16 of denatonium benzoate. The study shall evaluate
17 denatonium benzoate both as a discrete chemical, and as
18 incorporated into antifreeze and engine coolants.

1 (b) REPORT TO CONGRESS.—Not later than 18
2 months after the date of enactment of this Act, the Ad-
3 ministrator shall transmit to Congress a report on the
4 evaluation conducted under subsection (a).

5 (c) FINDING.—If the Administrator finds, based on
6 the comprehensive evaluation required under subsection
7 (a), that the use of denatonium benzoate in antifreeze at
8 30-50 parts per million will not endanger public health,
9 the public welfare, or the environment, the requirements
10 of section 25 of the Federal Hazardous Substances Act,
11 as added by section 3 of this Act, shall become effective
12 on the effective date of that finding. The Administrator
13 shall set the effective date of the finding as the date 180
14 days after such finding is published in the Federal Reg-
15 ister. The Administrator's finding shall be subject to pub-
16 lic notice and comment, and to judicial review under title
17 5, United States Code.

18 **SEC. 3. ADDITION OF BITTERING AGENT IN ANTIFREEZE**
19 **REQUIRED.**

20 The Federal Hazardous Substances Act (15 U.S.C.
21 1261 et seq.) is amended by adding after section 24 (15
22 U.S.C. 1278) the following new section:

1 **"SEC. 25 ADDITION OF BITTERING AGENT IN ANTIFREEZE**
2 **REQUIRED.**

3 “(a) IN GENERAL.—Any engine coolant or antifreeze
4 that is manufactured after the effective date of the Admin-
5 istrator’s finding described in section 2(c) of the Anti-
6 freeze Bittering Act of 2006, and that contains more than
7 10 percent ethylene glycol, shall include denatonium ben-
8 zoate at a minimum of 30 parts per million and a max-
9 imum of 50 parts per million, or other equally effective
10 aversive agent at the appropriate concentration that is
11 compatible with engine coolant or antifreeze, as a bittering
12 agent within the product so as to render it unpalatable.
13 Any engine coolant or antifreeze that is subject to this
14 subsection and is not in compliance with this subsection
15 shall be deemed a banned hazardous substance within the
16 meaning of section 2(q) (15 U.S.C. 1261(q)), and shall
17 be subject to the penalties provided for in section 5 (15
18 U.S.C. 1264).

19 “(b) RECORD KEEPING.—A manufacturer of a prod-
20 uct subject to this section shall maintain a record of the
21 trade name, scientific name, and active ingredients of any
22 bittering agent used pursuant to this section. Such infor-
23 mation shall be available to the public upon request.

24 “(c) EXEMPTION.—The requirements of this section
25 shall not be construed to apply to—

- 1 “(1) the sale of a motor vehicle that contains
2 engine coolant or antifreeze; or
3 “(2) a wholesale container of engine coolant or
4 antifreeze containing 55 gallons or more of engine
5 coolant or antifreeze.”.

Amend the title to read as follows: “A Bill to require
a comprehensive toxicological, exposure, and risk evalua-
tion of the bitterant denatonium benzoate.”